

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

AMERICAN CALCAR, INC.,

Plaintiff,

v.

AMERICAN HONDA MOTOR CO., INC.; and
HONDA OF AMERICA MFG., INC.,

Defendants.

Civil No. 06cv2433-DMS (CAB)

**ORDER FOLLOWING 12-19-07
DISCOVERY CONFERENCE**

On December 19, 2007, the Court held a telephonic discovery conference. To assist counsel in bringing fact and expert discovery to a close in this matter, the Court requested the parties submit letter briefs to Chambers regarding outstanding discovery deficiencies. Both parties submitted briefs describing a number of outstanding discovery items. Gary Butter, Esq., Edward Tempesta, Esq., Robert Maier, Esq., Jennifer Cozeolino, Esq., Richard Clegg, Esq., and Paul Ragusa, Esq., appeared for plaintiff American CalCar, Inc. ("ACI"). Michael Rosen, Esq., John Johnson, Esq., Ahmed Davis, Esq., John Goetz, Esq., Joy Stanton, Esq., and Michael Autuoro, Esq., appeared for defendant American Honda Motor Co. ("Honda"). After considering the submissions of the parties and the arguments of counsel, **IT IS HEREBY ORDERED:**

1. Honda's request to inspect the Las Vegas offices of ACI for evidence regarding document production compliance and for the file directory created by counsel for the production of documents in the ACI v. BMW litigation is **DENIED**.

1 2. For each document production request in which either party represented that no responsive
2 documents exist, that party will provide a verified statement representing that a reasonable search was
3 made in good faith and no responsive documents were located. The verifications will be served on the
4 other party no later than **January 11, 2008**.

5 3. ACI will make available for Honda's inspection and copying the original collection of Quick
6 Tip Guides in the possession of Michael Obradovich, no later than **January 11, 2008**.

7 4. ACI will provided a supplemental verified response to Honda's interrogatory regarding the
8 steps individuals took to satisfy their duty of candor to the PTO. If ACI is solely relying on the
9 representations and testimony of those individuals and has no independent information, it will so state.
10 If ACI has any additional information regarding this topic it will supplement the response with that
11 information. The response will be served no later than **January 11, 2008**.

12 5. Honda's request that ACI produce documents related to any lawsuit in which ACI was a party
13 is **DENIED**.

14 6. Honda's request for an order compelling further responses to Interrogatory No. 25, requesting
15 the basis for any denials by ACI to any Requests for Admission served by Honda is taken under
16 submission. ACI will provide case authority supporting its objection that the interrogatory exceeds the
17 number allowed under the Federal Rules and local rules of this Court.

18 7. ACI has represented that Mr. Obradovich may present expert testimony at trial. Honda may
19 depose Mr. Obradovich for a maximum of four hours with regard to any and all topics for which ACI
20 intends to call Mr. Obradovich as an expert.

21 8. The parties will meet and confer about the production of Mr. Kerr's Expert Report from the
22 ACI v. BMW litigation. If this issue is unresolved after that meet and confer, it may be raised again with
23 the Court.

24 9. The deposition of Mr. Dinkel may be reconvened for a maximum of 2 hours solely to inquire
25 about documents in his possession located and produced after the conclusion of his initial deposition.

26 10. The parties will follow up on the production of patent license agreements from Honda to
27 ACI.. If, following the review of the documents, the issues regarding production of responsive license
28 agreements remains unresolved, it may be raised again with the Court.

1 11. The Court takes under submission the matter of the inclusion in this lawsuit of 2008 model
2 vehicles.

3 12. Both parties will exchange a final supplementation of discovery responses no later than
4 **January 11, 2008.**

5 13. No later than **January 7, 2008**, Honda will provide ACI with deposition dates for the 10
6 witnesses and 2 entities ACI noticed or subpoenaed for deposition. The depositions will be concluded
7 no later than **January 31, 2008.** If Honda is not providing representation for any of the witnesses or
8 entities, in lieu of dates for deposition, Honda will notify ACI of that fact no later than **January 7, 2008.**

9 14. Honda and ACI will submit the privileged documents the other party has challenged for *in*
10 *camera* review by the court no later than **January 3, 2008.**

11 15. The parties will submit a joint statement addressing the allocation of motions for the
12 following hearing dates set by the Court: February 29, March 7, March 14 and March 21.

13 16. The Court finds good cause to extend the discovery cut-off to **February 15, 2008.**

14
15 The Court will hold a telephonic discovery conference on **January 18, 2008, at 9:00 a.m.** to
16 address progress on these issues. Counsel for defendant Honda shall coordinate and initiate the
17 conference call.

18 **IT IS SO ORDERED.**

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20 DATED: December 20, 2007

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23 **CATHY ANN BENCIVENGO**
24 United States Magistrate Judge
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